

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: LAI, Ming-Hsiao

SERIAL NO.: 10/684,006

ART UNIT: 3634

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EXAMINER: Novosad, J.E.

TITLE: FLOOR RACK FOR HOLDING BATHROOM SUNDRIES

AMENDMENT "A"

Director of the U.S. Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of February 22, 2005, a response being due by May 22, 2005, please consider the following remarks:

REMARKS

Upon entry of the present amendments, previous Claims 1 - 4 have been canceled and new Claims 5 - 7 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of distinguishing the present invention from the prior art.

In the Office Action, it was indicated that Claim 1 was rejected under 35 U.S.C. § 102(b) as anticipated Zaid '286 patent. Claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Zaid '286 patent in view of the Finkelstein patent. Claim 4 was rejected under

35 U.S.C. §103(a) as being unpatentable over the Zaid '286 patent in view of the Finkelstein patent and further in view of the Marschak patent. Claim 3 was also rejected under 35 U.S.C. §112, second paragraph, as being indefinite. There were also objections to the drawings and to the language of Claim 4.

As an overview to the present reply, Applicant has extensively amended the original claim language in the form of new Claims 5 - 7. New independent Claim 5 reflects the limitations of previous independent Claim 1 but expresses such limitations in a more proper U.S. format, including proper antecedent bases and proper structural interrelationships throughout. Any indefinite terminology found in the original claim language has been corrected herein. In particular, independent Claim 5 expresses those limitations which serve to distinguish the present invention from the prior art Zaid '286 patent.

In particular, independent Claim 5 recites that the first holder has a holding rod extending "entirely between ends of said support frame". It further recites that the second holder has a holding arm "extending vertically upwardly from said fastening portion". Additionally, and furthermore, it is stated that the second holder has a ring affixed to the fastening portion "on a side of said support rod opposite said holding arm". Applicant respectfully contends that these features serve to distinguish the present invention from the prior art Zaid '286 patent such that independent Claim 5 is no longer anticipated by this prior art patent.

The Zaid '286 patent does show a pole storage system. At the top of the pole, there is provided a stabilizer 16 located at the upper end of the support rod. The purpose of this stabilizer was recited in column 3, lines 18 - 25, as follows:

Stabilizer 16 is attached by receiving the upper end of pole 12 through loops 48a,b and braces 50a,b positioned against the adjacent wall illustrated by the dashed lines in FIGS. 1 and 3. Toggle bolts or the like can then be used to secure braces 50a,b to the wall. The wall and stabilizer arms 46a,b present a triangular configuration with pole 12 at the vertex thereof opposite the wall. This securely braces pole 12 to prevent inadvertent tipping of apparatus 10.

In contrast, in the present invention, the first holder is affixed to the upper end of the support rod. This first holder has a support frame that extends outwardly from the support rod. A holding rod extends entirely between ends of the support frame. This holding rod should have a diameter suitable for receiving a paper roll therein. As such, the structure of the first holder, as defined by independent Claim 5, is distinguishable from the structure of the stabilizer 16 of the Zaid patent. In particular, the stabilizer 16 does not include the holding rod extending entirely between ends of support frame. The purpose of the stabilizer 16 is very different than the paper towel holder of the present invention. By the present invention, it is relatively easy to dispense paper from the first holder. In the Zaid patent, the stabilizer is used so as to provide support for a device against a wall.

With respect to the second holder of the present invention, the second holder has a holding arm extending “vertically upwardly” from a fastening portion. As can be seen in the Zaid patent, there are no structures which extend vertically upwardly from the fastening portion. It appears that each of the items in the Zaid patent extends in a horizontal plane so as to receive various ball-type items therein. The net 54 in the Zaid patent actually extends vertically downwardly from the fastening portion. On this basis, Applicant contends that the feature of the holding arm extending vertically upwardly from the fastening portion is neither shown nor suggested in the Zaid patent.

Additionally, since the holding arm is used so as to receive a paper roll thereon, the function of the present invention, as claimed by independent Claim 5, is different than that of the Zaid patent.

Additionally, and furthermore, it is claimed that a ring is affixed to this fastening portion on a side of the support rod opposite the holding arm. In the Zaid '286 patent, there are several rings that are extending outwardly of the support rod. However, they are not located on an opposite side from the vertical holding arm. As such, once again, the structure of the present invention as defined herein is patentably distinguishable from the Zaid '286 patent.

Dependent Claim 6 reflects the limitations of previous dependent Claim 2. Applicant has canceled previous dependent Claim 3 herein in view of the Examiner's rejections. Dependent Claim 7 reflects the limitations of previous dependent Claim 4 but expresses those limitations so as to conform with the structure identified in independent Claim 5.

Based upon the foregoing analysis, Applicant contends that independent Claim 5 is now in proper condition for allowance. Additionally, those claims which are dependent upon Claim 5 should also be in condition for allowance. Reconsideration of the rejections and allowance of the

claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

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Date


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